

### **REMARKS**

Claims 7-9, 14-16, and 18-28 remain withdrawn in compliance with the restriction requirements and claims 1, 3-6, 10-13, 17, 29, 64 and 65 stand currently amended. The Applicant has carefully and thoughtfully considered the Office Action and the comments therein. For the reasons given below, it is submitted that this application is in condition for allowance.

### **Interview**

The Applicant kindly thanks the Examiner for the telephonic interview granted on August 2, 2007. The substance of the interview is recorded in the Examiner Interview Summary Record provided to Applicants. As indicated by the Examiner at the bottom of the Examiner Interview Summary Record, the Applicant is not required to provide a separate record of the substance of the interview. See M.P.E.P. § 713.04.

### **Oath/Declaration**

In the action on page 3, the Examiner notes that the Oath/Declaration is defective. Applicant hereby submits a replacement Oath/Declaration correcting the defect.

### **35 U.S.C. §112 Rejection**

In the Action on page 4, claims 1 and 65 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. It is respectfully submitted that amended claims 1 and 65 are not indefinite.

In response to the Examiner's discussion in the action and discussions conducted in the interview, claims 1 and 65 have been amended to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, claim 1 has been

amended to recite that the controller is coupled to the main electrical circuit and the one-way charging circuit, the controller switching the at least one switching device based on input from an at least one sensor to selectively and exclusively provide power in each of the switch positions as enumerated, such that the main battery and the at least one standby battery never supply electrical energy to the vehicle electrical system simultaneously. As discussed in the interview, this limitation further points out and distinctly claims that the controller in conjunction with the main electrical circuit and the one-way charging circuit provides the claimed ability to exclusively supply power to and from the batteries in the enumerated operating positions (see for example Applicants' Specification, para. 134).

Similarly, with respect to claim 65, the claim has been amended to indicate that that the second operating position prevents current flow from any of the remaining at least two batteries or the previously coupled at least two batteries to the common positive terminal, "or between any of the remaining at least two batteries" and, additionally, that the controller switches the at least one switching device into each of the enumerated operating positions, "such that only one of the at least two batteries is ever engaged by the vehicle electrical system at any one time." Thus, further clarify how the batteries are isolated and/or exclusively provide power in each of the positions as enumerated as recited in the claims.

Hence, amended claims 1 and 65 are not indefinite. As such, it is respectfully requested that the 112 rejection be rescinded.

### **35 U.S.C. §102 Rejection**

In the Action on page 5, claims 1, 3-6, 10-13, 17, 29, and 64-65 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,181,100 to Shoji(hereinafter Shoji).

Applicants respectfully traverse this rejection. Applicants' note that claims 1 and 65 stand amended and overcome the 35 U.S.C. 112 grounds for rejection as argued above. It is respectfully submitted, therefore, that the amended claims be given patentable weight in the entirety.

With respect to amended claim 1, Shoji fails to teach the claimed at least two operating positions to selectively and exclusively couple either the main or the at least one standby battery positive output to the system positive terminal to start and operate the vehicle electrical system. Specifically, there is no "second operating position of the at least two operating positions the main battery is electrically isolated by the one-way charging circuit from the at least one standby battery and the at least one standby battery exclusively provides electrical power to the vehicle electrical system at startup" as positively recited in the claims.

Additionally, Shoji does not provide "a controller coupled to the main electrical circuit and the one-way charging circuit, the controller switching said at least one switching device based on input from an at least one sensor to selectively and exclusively provide power in each of the switch positions as enumerated, such that the main battery and the at least one standby battery never supply electrical energy to the vehicle electrical system simultaneously." Therefore, as Shoji does not provide these positively recited elements, it cannot anticipate claim 1.

Similarly, with respect to amended claim 65, Shoji does not provide "a second operating position of the at least two operating positions wherein the switching device switches the common positive terminal to the positive output of at least one of the remaining at least two batteries not previously coupled to the common positive terminal, preventing current flow from any of the remaining at least two batteries or the previously coupled at least two batteries to the common positive terminal, or between any of the remaining at least two

batteries” or “a controller to operate the at least one switching device and to switch between the at least two operating positions based on inputs from an at least one sensor such that only one of the at least two batteries is ever engaged by the vehicle electrical system at any one time” as positively recited in the amended claims.

As discussed with the Examiner in the interview and argued previously, the instant invention is intended to prevent bleeding on battery down from another, and thereby provide a ready auxiliary or standby battery for use in a vehicle electrical system. The amended claims more particularly point out and distinctly claims the aspects of the invention. Shoji does not provide these positively claimed limitations. Therefore, with respect to amended claims 1 and 65, it is respectfully submitted that the claims as amended are allowable.

Claims 3-6, 10-13, 17, 29, and 64 are dependent from claims 1 and 65, and are allowable as being dependent from an allowable claim.

THEREFORE, because all objections and rejections have been overcome, it is submitted that claims 1, 3-6, 10-13, 17, 29, 64, and 65 are allowable, and such allowance is requested. If a telephone interview would further such allowance, the Examiner is invited to telephone the undersigned.

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Respectfully submitted,



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